

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	:	CASE NO. 20-71810-BEM
	:	
BRITTNY ROBINSON,	:	
	:	CHAPTER 7
	:	
DEBTOR.	:	
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	:	
NANCY J. GARGULA,	:	
UNITED STATES TRUSTEE	:	
FOR REGION 21,	:	
	:	
MOVANT.	:	CONTESTED MATTER
	:	
v.	:	
	:	
BRITTNY ROBINSON,	:	
	:	
RESPONDENT.	:	

**MOTION FOR DENIAL OF DISCHARGE
PURSUANT TO SECTION 727(a)(8)**

COMES NOW, Nancy J. Gargula, United States Trustee for Region 21 (“United States Trustee”), and respectfully moves the Court to enter an order denying a discharge in this case pursuant to Bankruptcy Code section 727(a)(8) because Brittny Robinson, received a chapter 7 discharge in a case commenced less than eight years prior to commencement of this case. In support of this motion, the United States Trustee shows as follows.¹

STATEMENT OF FACTS

1.

On November 17, 2020, Brittny Robinson commenced this bankruptcy case by filing a petition for relief under chapter 7 of the United States Bankruptcy Code (“the Petition”).

¹ Amended Rule 4004(d) provides that an objection to discharge under section 727(a)(8) is commenced by motion and governed by Rule 9014.

2.

On the petition, Ms. Robinson reported her Social Security Number as XXX-XX-4027.

3.

On the present petition for relief, Ms. Robinson failed to indicate that she had filed a bankruptcy petition within the last eight years. (Doc. No. 1)

4.

Records of the United States Bankruptcy Court for the Northern District of Georgia show Brittny R. Robinson² with Social Security Number XXX-XX-4027 commenced Case No. 13-68865-WLH on August 29, 2013 by filing a chapter 7 petition.

5.

A PACER search using Brittny Robinson's full social security number confirms the filing of her prior petition for relief with Case No. 13-68865-WLH.

6.

Records of the Clerk of the United States Bankruptcy Court for the Northern District of Georgia show that on December 18, 2013 the Court granted a chapter 7 discharge to Brittny R. Robinson in Case No. 13-68865-WLH.

7.

It appears that Brittny Robinson, the debtor in this case, was the debtor in Case No. 13-68865-WLH.

8.

It appears that Brittny Robinson, the debtor in this case, received a chapter 7 discharge in a case (Case No. 13-68865-WLH) commenced within eight years before the date of the filing of

² Brittny R. Robinson appears to be the same person as Brittny Robinson.

the Petition.

STATEMENT OF APPLICABLE STATUTE, RULES, AND LAW

9.

The Bankruptcy Code provides that a voluntary case is “commenced by the filing with the bankruptcy court of a petition...” 11 U.S.C. § 301(a). “The commencement of a voluntary case under a chapter [of title 11] constitutes an order for relief.” 11 U.S.C. § 301(b).

10.

The Bankruptcy Code provides that a debtor shall not be granted a discharge if he has been granted a discharge in a case commenced within eight years before the date of the filing of the petition. 11 U.S.C. § 727(a)(8).

11.

Pursuant to Federal Rule of Bankruptcy Procedure 4004(b), the deadline for filing a motion objecting to the debtor’s discharge is January 4, 2021.³

12.

The United States Trustee timely files this motion.

CONCLUSION

13.

Brittney Robinson received a chapter 7 discharge in a bankruptcy case (Case No. 13-68865-WLH) that was commenced within eight years before the date he filed the Petition.

14.

Brittney Robinson is not eligible to receive a discharge in this case. 11 U.S.C. § 727(a)(8).

³ The section 341(a) meeting is scheduled for November 5, 2020. (Dkt. No. 6)

WHEREFORE, the United States Trustee requests the Court enter an order denying a discharge to Brittny Robinson in this bankruptcy case pursuant to section 727(a)(8).

Respectfully submitted,

NANCY J. GARGULA
UNITED STATES TRUSTEE
REGION 21

/s/ Vanessa A. Leo
VANESSA A. LEO
Trial Attorney
Georgia Bar Number 410598
United States Department of Justice
Office of the United States Trustee
Suite 362, Richard B. Russell Building
75 Ted Turner Drive, SW
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404.331.4437. ext 129
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**NOTICE OF MOTION FOR DENIAL OF DISCHARGE,
DEADLINE TO OBJECT, AND FOR HEARING**

On November 23, 2020, the United States Trustee filed a Motion for Denial of Discharge pursuant to 11 U.S.C. § 727(a)(8). Pursuant to General Order No. 24-2018, the Court may consider this matter without further notice or a hearing if no party in interest files a response or objection within twenty-one (21) days from the date of service of this notice. **If you object to the relief requested in this pleading, you must timely file your objection with the Bankruptcy Clerk at United States Bankruptcy Court, 75 Ted Turner Dr SW, Atlanta, GA 30303; and serve a copy on the movant's attorney, Vanessa A. Leo, 362 Richard Russell Federal Building, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303; and any other appropriate persons by the objection deadline.** The response or objection must explain your position and be actually received by the Bankruptcy Clerk within the required time.

GIVEN THE CURRENT PUBLIC HEALTH CRISIS, HEARINGS MAY BE TELEPHONIC ONLY. PLEASE CHECK THE "IMPORTANT INFORMATION REGARDING COURT OPERATIONS DURING COVID-19 OUTBREAK" TAB AT THE

TOP OF THE GANB WEBSITE PRIOR TO THE HEARING FOR INSTRUCTIONS ON WHETHER TO APPEAR IN PERSON OR BY PHONE.

A hearing on the pleading has been scheduled for **January 5, 2021 at 10:00 a.m.** in Courtroom 1402, United States Bankruptcy Court, 75 Ted Turner Dr SW, Atlanta, GA 30303. If an objection or response is timely filed and served, the hearing will proceed as scheduled. **If you do not file a response or objection within the time permitted, the Court may grant the relief requested without further notice or hearing** provided that an order approving the relief requested is entered at least one business day prior to the scheduled hearing. If no objection is timely filed, but no order is entered granting the relief requested at least one business day prior to the hearing, the hearing will be held at the time and place scheduled.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

Dated: November 23, 2020

NANCY J. GARGULA
UNITED STATES TRUSTEE
REGION 21

/s/ Vanessa A. Leo
VANESSA A. LEO
Trial Attorney
Georgia Bar Number 410598
United States Department of Justice
Office of the United States Trustee
Suite 362, Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303
404.331.4437. ext 129
Vanessa.A.Leo@usdoj.gov

CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing *Motion For Denial Of Discharge Pursuant To Section 727(a)(8)* with *Notice of Hearing* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Office of the United States Trustee ustpreregion21.at.ecf@usdoj.gov
Synchrony Bank c/o PRA Receivables Management, LLC Claims_RMSC@PRAGroup.com

I further certify that on this day, I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following parties at the address shown for each:

Brittny Robinson
3920 Augustine Place
Rex, GA 30273

Dated: November 23, 2020

NANCY J. GARGULA
UNITED STATES TRUSTEE
REGION 21

/s/ Vanessa A. Leo

Vanessa A. Leo
Georgia Bar No. 410598
United States Department of Justice
Office of the United States Trustee 362
Richard B. Russell Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303